REMARKS

The present application includes pending claims 1-35, all of which have been rejected. In particular, claims 1-35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,181,759 ("Oz") in view of U.S. 2002/0147977 ("Hammett"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

Claim 1 recites, in part, "at least one media filter comprising characteristics of media defined by a second user," and "server software that receives via the communication network a request identifying one of the associated first and second network addresses, and that corresponds by identifying the other of the associated first and second network addresses to coordinate the consumption of media."

I. "Server Software That Receives Via The Communication Network A Request Identifying One Of The Associated First And Second Network Addresses..."

The Office Action cites Oz at column 14, lines 18-47 as disclosing the "server software...." *See* January 25, 2008 Office Action at page 2 and September 17, 2007 Office Action at page 3. The Applicants previously demonstrated that this cited portion of Oz clearly does not describe, teach or suggest "receiv[ing[via the communication network **a request identifying one of the associated first and second network addresses**..." or "**respond[ing] by identifying the other of the associated first and second network addresses**...," as recited in claim 1.

In response to the Applicants, however, the current Office Action reiterates the same rejection and summarily concludes that "[i]n regard to the server software that receives via the communication network a request, Oz discloses this feature at col. 14, lines 18-47." *See id.* at page 8. Thus, the Applicants will dissect this cited portion to further demonstrate that the limitations noted above are nowhere to be found in it.

First, the cited portion of Oz, which the Office Action relies on to reject the claims, recites the following:

> BMS 37 of FIG. 2A is analogous to BMS 36 of FIG. 2B but has an additional router 125, it is further coupled to internet 126 and to an additional application server 115. Router 125 is coupled via link 140 to broadband multimedia router 116 for allowing set-top-boxes to interact with internet 126 and additional application server 115. Application providers such as application servers 115 and 117, are configured to provide control and display code, embedded within a plurality of application packet. Router 125 can also be utilized to download ITC from internet 126.

Oz at column 14, lines 18-27. This portion of Oz discloses that a Broadband Multimedia System (BMS) may include an additional router and may be coupled to the Internet and to an additional application server. However, there is absolutely nothing in this portion of Oz that describes, teaches or suggests "receiv[ing[via the communication network **a request identifying one of the associated first and second network addresses**..." or "**respond[ing] by identifying the other of the associated first and second network addresses**...," as recited in claim 1. Moreover, the Office Action has not explained where and how such limitations are found in this cited portion of Oz.

Next, the cited portion of Oz, which the Office Action relies on, states the following:

> BMS 36 includes a logical communication bus 136, a session manager unit 102, a bandwidth utilization collector 104, a dynamic network restructuring unit 106, a network policy settings unit 108, a network management system 110, a broadband multimedia router 116, a QAM array 118, an RF switch 120, an RF upstream module 124, an RF combiner array 122, an Out-Of-Band unit 134, and a management system 112. BMS 36 is coupled to a plurality of set-top-boxes $34_{1,1}$-$34_{R,Q}$ via Hybrid Fiber Coax (HFC) network 128. The set-top-boxes are grouped in service groups 35_1-35_R, whereas members of the same service group receive the same In band signal. Set-top-box $34_{R,Q}$ is the Q'th member of the R'th service group.

Id. at column 14, lines 28-40. This portion of Oz indicates that the BMS includes a logical communication bus and various other components. Further, the BMS is coupled to set-top-boxes. Again, though, there is absolutely nothing in this portion of Oz that describes, teaches or suggests "receiv[ing[via the communication network **a request identifying one of the associated first and second network addresses**..." or "**respond[ing] by identifying the other of the associated first and second network addresses**...," as recited in claim 1. Further, the Office Action has not explained where and how such limitations are found in this cited portion of Oz.

Finally, the cited portion of Oz, which the Office Action relies on, states the following:

> Broadband multimedia router 116 is coupled to logical communication bus 136, RF upstream module 124, QAM array 118, to at least one application provider, such as

> application server 115, to media providers such as VOD servers 252, music on demand unit 254, interactive MPEG unit 256, Internet television 258, telephony gateway 262, and the like."

Id. at column 14, lines 41-47. While this portion of Oz indicates that the broadband multimedia router is coupled to a logical communication bus, media providers and other components, it, along with the rest of the cited portion of Oz, is silent as to any requests or responses to the requests. Again, there is absolutely nothing in this portion of Oz that describes, teaches or suggests "receiv[ing[via the communication network **a request identifying one of the associated first and second network addresses**..." or "**respond[ing] by identifying the other of the associated first and second network addresses**...," as recited in claim 1. Further, the Office Action has not explained where and how such limitations are found in this cited portion of Oz.

The Applicants respectfully submit that the portions of Oz shown above, specifically identified in the Office action as teaching "...server software that receives via the communication network a request identifying one of the associated first and second network addresses, and that responds by identifying the other of the associated first and second network addresses to coordinate the consumption of media...", fail to describe, teach or suggest anything about "...receiv[ing] via the communication network **a request identifying one of the associated first and second network addresses**...," as recited in claim 1. The cited portions of Oz also fail to describe, teach or suggest that the server software "...**responds by identifying the other of the associated first and second network addresses**...," in accordance with claim 1.

Accordingly, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to claim 1 or the claims that depend therefrom. Indeed, Oz, alone or in combination with Hammett, fails to describe, teach or suggest at least these limitations.

If this rejection is maintained, the Applicants respectfully request specific citations from the cited portions of Oz and detailed reasoning as to where and how the limitations noted above are disclosed therein.

II. "At Least One Media Filter Comprising Characteristics Of Media Defined By A Second User"

The Office Action acknowledges that Oz does not describe, teach or suggest "at least one media filter comprising characteristics of media defined by a second user," as recited in claims 1, 13 and 24. *See* January 25, 2008 Office Action at pages 2-3 and September 17, 2007 Office Action at page 3. To overcome this deficiency, the Office Action cites Hammett at [0050], [0061]-[0062], [0064] and [0068]-[0069]. *See id.* However, as detailed below, there is nothing in these cited portions of Hammett that describe, teach or suggest "at least one media **filter** comprising characteristics of media **defined by a second user**."

First, Hammett at [0050] states the following:

> An application referred to as a navigator 255 is resident in flash memory 251 for providing a navigation framework for services provided by the HCT 16. The navigator 255 registers for and in some cases reserves certain user inputs related to navigational keys such as channel increment/decrement, last channel, favorite channel, etc. The applications may be resident in flash memory 251 or

> downloaded into DRAM 252. The navigator 255 also provides users with television related menu options that correspond to HCT functions such as, for example, adding a channel to a favorites list, blocking or excluding a channel or a group of channels from being presented, activating parental control, and displaying media titles, etc. Some of the functionality performed by applications executed in the HCT 16 (such as the broadcast music application 283) may instead be performed at the head end 11, and vice versa, in some embodiments of the present invention.

As shown above, there is nothing in this portion of Hammett that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user**."

Next, Hammett at [0061] states the following:

> Another data structure resident within the segue database 281 is the define/priority data structure 298. The define/priority data structure 298 stores the user's configurations and their corresponding rank or priority within a custom media presentation. By way of non-limiting example, songs available through the broadcast music application 283 may have their corresponding media information characterized for display to a user in a user interface screen at the television. Media information is retrieved by the segue application 282 from the program information/schedule data structure 299. When the user selects and prioritizes the media information corresponding to the desired media or song from the display screen, this configuration is transferred by the segue application 282 to the define/priority data structure 298. The segue application 282, based on the user's configurations, searches for the media corresponding to available media information stored in the program information/schedule data structure 299 of the segue database 281 that meet the user's configurations. The segue application 282 will use the media information to segue media stream changes to provide a custom presentation, as will be described in greater detail later.

Similar to Hammett at [0050], there is nothing in [0061] of Hammett that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user.**"

Moving on, Hammett at [0062] recites the following:

> In an alternative embodiment, applications such as, for non-limiting example, the broadcast music application 283, may store the data structures of the segue database 281 in application memory 270, wherein the segue application 282 interacts directly with application memory 270. Furthermore, if an electronic program guide (EPG) application and respective database exist, the EPG application may store relevant information in the EPG database, and the segue application 282 may conduct search operations in this database (not shown) as well. The present invention is not limited by where or how the media information is stored or retrieved. In one embodiment, the segue application 282 may play a more limited role of providing a user interface for user input, but software with segue application 282 functionality at the headend 11 searches for the user defined media presentation selections among the plurality of media streams and communicates to the HCT 16 which media stream to tune to. In other embodiments, the functionality of the segue application 282 may be an application operated at the headend 11 in a browser-type embodiment, wherein the headend 11 generates and sends to the HCT 16 screens with media information choices for presentation to the user, and the user makes selections that are stored in a database similar to the segue database 281 at the head end 11. The headend 11 may then process the selections and priorities defined by the user and deliver tuning instructions to the HCT 16. The segue application 282 functionality at the HCT 16 is limited, and most of the segue application 282 functionality is provided by an application at the headend 11, wherein the headend 11 communicates to the HCT 16 which channel to tune to segue into the media presentation desired. This communication may be, by way of non-limiting example, executed in accordance with the head end 11 directing the HCT 16 tuner system 245 as to what MPEG-2

> stream to tune to, as in described in U.S. Pat. No. 5,600,378 which is hereby incorporated by reference in its entirety.

As shown above, similar to Hammett at [0050] and [0061], there is nothing in [0062] of Hammett that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user**."

Next, Hammett at [0064] states the following:

> The flow chart of FIG. 4 shows one preferred method for defining and presenting media presentations according to the media information. In this regard, each block represents a step for defining and presenting media presentations according to the preference of the user. It should also be noted that in some alternative implementations, the functions noted in the blocks might occur out of the order noted in FIG. 4. For example, two blocks shown in succession in FIG. 4 may in fact be executed substantially concurrently or the blocks may sometimes be executed in the reverse order, depending upon the functionality involved, as will be further clarified below. Step 450 is the step of providing a user interface for the broadcast music application 283. In the preferred embodiment, this screen may be displayed as a result of the user selecting the broadcast music application 283 from an electronic service guide generated by an electronic service guide application resident in the HCT 16. Other methods of introducing the user interface of the preferred embodiment are also included within the scope of the present invention. Step 460 is interacting with the user to define, or configure, the media presentation or media presentations via interaction with the user interface. Note that although one user is described here, it is understood that there may be more than one user. Further, it is understood that one user may have more than one custom media presentation (or "my channels"). The user interface screen may display several selection options and instructions to guide the user in defining the custom media presentation. The user interface display may prompt the user 470 to decide whether the user is ready to begin a media presentation or whether the user needs to define a media presentation. If further definition is needed, the user may

> make further selections from one or more display options. If the user is ready for the media presentation, then step 480 is commenced to search through media information corresponding to media in a plurality of media streams for media in progress and upcoming meeting the user definition for the media presentation. Step 490 segues media stream changes among the plurality of media streams to present the user-defined media presentation.

Again, just like Hammett at [0050], [0061] and [0062], there is nothing in [0064] of Hammett that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user**."

Next, Hammett at [0068] states the following:

> FIGS. 6-27 depict examples of user interface screens for interacting with the broadcast music application 283. The segue application 282 configures the processor 244 to provide the user (step 450, FIG. 4) with a user interface to display selection options for the user. With reference to FIG. 2, as with other user interface screen display examples discussed below, processor 244 executes program instructions of the segue application 282 that cause it to direct the window manager 259 to create a user interface screen display via display data that is formatted for television 241. Processor 244 stores the display data or parts thereof in DRAM 252 (as necessary) and transfers the display data to a display output system such as output system 248 wherein display data is converted to respective television signals and transmitted to television 241. Of course, the scope of the preferred embodiment of the present invention also includes any other method of causing the described user interface screen displays to appear to the user.

As shown above, similar to Hammett at [0050], [0061], [0062] and [0064], there is nothing in [0068] of Hammett that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user**."

Finally, Hammett at [0069] (the last paragraph of Hammett the Office Action relies on to support the claim rejections) states the following:

> Once the user interface screen is presented to the user, the next step 460 in FIG. 4 is interacting with the user to define the media presentations at the user interface. Prompts (e.g. selections, instructional text messages, etc.) within the user interface screens will enable the user to decide (step 470) if the user wants to present (and thus go to step 480) or be presented with a user interface (step 450) to continue to define or configure their custom media presentation step 460. The example user interface screen display 600 (FIG. 6) in the preferred embodiment fills the entire television screen, but could also be a window composed on part of the television display over top of other windows. The example user interface screen display 600 includes a title header 601 common to all of the broadcast music application 283 interface screens. Below the title header 601 is a subtitle header 605 that is descriptive of elements below subtitle header 605. Channel list 630 includes a list, for non-limiting example, of all of the channel titles and their respective channel numbers available through the broadcast music application 283. Channel list 630 also includes open channel designations with channel number and pre-set default titles, for example "My Channel #1 115" as shown in highlighted window 635, for custom media presentations, also referred to as "my channels". For non-limiting example, John Doe may have a my channel #1 comprising music for parties. John Doe may also have a my channel #2 comprising music for dinner. There may also be several users' my channels listed, such as Mary Doe's party mix music under my channel #8. The channel titles for my channels may be edited by the user, as described below. Each channel window 637 of channel list 630 contains the corresponding channel title and channel number, as described above. Channel list 630 also includes highlighted window 635, which may be scrolled up and down the media stream list 630 by up and down arrows 640 and 645, respectively. Alternatively, the highlighted window 635 may be fixed, and the up and down arrows 640 and 645, respectively, may cause the channel windows 637 with their corresponding channels and channel titles to advance through the

> highlighted window 635. Up arrow 640 and down arrow 645 suggest to the user a one-to-one functional correspondence to up and down arrows 383 and 384, respectively, on remote control device 380. Likewise, select button 650, located between up and down arrows 640 and 645, suggest a one-to-one functional correspondence with select button 387 on the remote control device 380. Select button 650 is used to select the desired channel in the highlighted window 635.

Just like the other portions of Hammett that the Office Action relies on to support the claim rejections, there is nothing in [0069] that describes, teaches or suggests "at least one media **filter** comprising characteristics of media **defined by a second user**."

Moreover, the specification of Hammett does not even mention the term "filter," let alone one that includes "characteristics of media **defined by a second user**." Thus, the Applicants do not understand, nor has the Office Action explained, how Hammett could possibly disclose such a "filter."

For at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to the claims of the present application. The Applicants respectfully submit that the proposed combination of Oz and Hammett does not describe, teach or suggest "at least one media **filter** comprising characteristics of media **defined by a second user**."

III. The Remaining Claims Should Also Be In Condition For Allowance

Independent claim 13 also recites, in part, "at least one media filter comprising characteristics of media defined by a second user," and "server software that receives a request via a communication network, and responds by coordinating the consumption of media by the television display." For at least the reasons discussed above with respect

to claim 1, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to claims 13-23. Indeed, these claims should be in condition for allowance.

Independent claim 24 also recites, in part, "at least one media filter comprising characteristics of media defined by a second user," "send a request to server software, the request identifying one of the associated first network address and a second network address associated with at least one server that supports consumption of media by coordinating media exchange via a communication network," and "receive a response from the server software, the response identifying the other of the associated first and second network addresses." For at least the reasons discussed above with respect to claim 1, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to claims 24-35. Indeed, these claims should also be in condition for allowance.

IV. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the pending claims are in condition for allowance for at least the reasons discussed above. If the Examiner has any questions

or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants. The Commissioner is authorized to charge any necessary fees, including the $810 fee for the RCE, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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